

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

08-cr-69-bbc

LEE ANTON JACKSON,

Defendant.

On September 19, 2008, this court held an unrecorded telephonic status conference. Defendant Lee Jackson did not participate personally, but was represented by his attorney, Joseph Sommers. The government was represented by Assistant United States Attorney Peter Jarosz.

The parties reported to the court the various issues that require resolution before this case is ready for trial. Here's where we landed:

Regarding Jackson's two-part suppression motion, the government reports that it will not use Jackson's post-arrest statement at trial for any purpose. This obviates Part II of the Report and Recommendation. Jackson's motion to suppress the search of his computer bag remains in play; his objections to the Report and Recommendation must be served not later than October 6, 2008.

Jackson has requested an *in limine* ruling on a possible defense; if he gets an adverse ruling, this may convince him not to go to trial. The issue is whether Jackson's version of how and why he came into possession of the charged firearm constitutes "possession" for the purposes of 18 U.S.C. § 922(g). The parties will brief this issue, accepting as true, *arguendo*,

Jackson's version of events. Jackson must file his brief in support not later than September 29, 2008, with any government response by October 8, 2008 and any defense reply by October 10, 2008. The court will provide a prompt ruling on whether Jackson's version of events constitutes an allowable legal defense that could be argued to the jury at trial.

The court will hold a recorded telephonic status and scheduling conference on October 17, 2008 at 9:00 a.m. Based on the court's ruling on the *in limine* issue, we will determine what needs to happen next.

Entered this 19th day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge